



State of Wisconsin


LEGISLATIVE REFERENCE BUREAU

RESEARCH APPENDIX - **PLEASE DO NOT REMOVE FROM DRAFTING FILE**

Date Transfer Requested: 02/24/2006 (Per: DAK)




Appendix A


 The 2005 drafting file for LRB 05a2249/1

has been copied/added to the 2005 drafting file for

LRB 05a2488



 The attached 2005 draft was incorporated into the new 2005 draft listed above. For research purposes, this cover sheet and the attached drafting file were copied, and added, as a appendix, to the new 2005 drafting file. If introduced this section will be scanned and added, as a separate appendix, to the electronic drafting file folder.

 This cover sheet was added to rear of the original 2005 drafting file. The drafting file was then returned, intact, to its folder and filed.

2005 DRAFTING REQUEST

Assembly Amendment (AA-SB226)

Received: 02/03/2006

Received By: **dkennedy**

Wanted: As time permits

Identical to LRB:

For: **Gregg Underheim (608) 266-2254**

By/Representing: **Jennifer Segall**

This file may be shown to any legislator: **NO**

Drafter: **dkennedy**

May Contact: **Senator Roessler's office**

Addl. Drafters:

Subject: **Mental Health - miscellaneous**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Underheim@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Parental access to treatment records; psychotropic medications

Instructions:

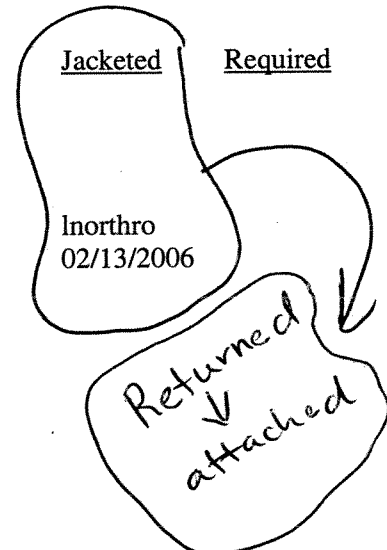
See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	dkennedy 02/12/2006	jdye 02/13/2006					
/1			jfrantze 02/13/2006		lnorthro 02/13/2006	lnorthro 02/13/2006	

FE Sent For:

<END>



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1/?	dkennedy	1/2 Jld	2/13	2/13 ch			

FE Sent For:

<END>

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

Current law:

① 51.30(5)(b) 1.: parent, guard, or person in place of parent of a non-DD, under 14-age minor has same rt. of access as subj. indiv.

2. 51.30(4)(d) 1.: access to treatment records by a subj. indiv. during his/her treatment may be restricted by director of treatment facility, but doesn't apply to records of medicat. + somatic treatments received

SB 226

51.30(5)(b) 1.: parent, guard, or person in place of parent of any minor has access to minor's ct. + treatment records at all times

51.30(4)(d) 1.: not affected

SAI to SB 226

51.30(5)(b) 1.: unless the trtmt dir. of the inpt. facil or outpt facil determines that there is evidence that the minor has suffered abuse or neglect or that the treatment record indicates evid. of the potential for the minor to suffer abuse or neglect.

NOTE: Removing Sec 17 from SAI doesn't do all of what WCASA wants - wd have to restore lang in 51.30(5)(b) 1. re "same rt of access as subj. indiv."



Kennedy, Debora

From: Stegall, Jennifer
Sent: Monday, February 06, 2006 9:24 AM
To: 'Dianne Greenley'
Cc: Kennedy, Debora
Subject: RE: SB 226

Yes, that is true. I think Debora mentioned the point you made as well with regard to page 21, lines 19-21. I've Cc'd her on this e-mail though just in case. Senator Roessler will not be the one actually introducing the amendment given the bill is in the Assembly. The goal is to have an amendment the Assembly Health Committee can move forward with. Another change will be to keep current law with regard to the administration of psychotropic meds.

Thank you for your willingness to work with us on this bill.

Jennifer

From: Dianne Greenley [mailto:dianneg@w-c-a.org]
Sent: Friday, February 03, 2006 5:06 PM
To: Stegall, Jennifer
Subject: SB 226

Jennifer

I just heard from Mike Murray of WCASA that Sen. Roessler may introduce an amendment to SB 226 to remove section 17 from Senate Amendment 1 to SB 226. Is this correct information? However, upon reviewing the amendment and the bill, I think that the stricken language in SB 226, p. 21, lines 19-21 also needs to be removed. The goal is to return to current law. I apologize that in my testimony I thought that just removing Sec 17 would take care of the problem. Thanks so much for your attention to this issue.

Dianne Greenley

02/06/2006

Kennedy, Debora

From: Shorter, Ginnie
Sent: Friday, January 20, 2006 3:14 PM
To: Sweet, Richard; Kennedy, Debora; Rep.Gundrum; Thorson, Randy; Sen.Grothman
Cc: 'Mike Murray - WCASA'
Subject: SB 226 Meeting attachment

Attachments: 1-19-06 SB 226 Amendment 1- WI Coalition Against Sexual Assault.pdf

For your information re. the SB 226 meeting, please find the WI Coalition Against Sexual Assault memo attached.

Thanks,

Ginnie Shorter
Office of Senator Roessler
608-266-5300/888-736-8720
ginnie.shorter@legis.state.wi.us



1-19-06 SB 226
Amendment 1- WI...

*2:00 Roessler's of
SB 226
2/1/06*

Kennedy, Debora

To: Shorter, Ginnie
Subject: RE: SB 226 Meeting

Yes, it's on my calendar.

From: Shorter, Ginnie
Sent: Friday, January 20, 2006 2:14 PM
To: Kennedy, Debora
Subject: SB 226 Meeting

Carol is having a meeting to discuss SB 226.

Can you make it? It's on Feb. 1st at 10:30am in 201 SE.

Other attendees will be:

Glenn Grothman
Dick Sweet
Mike Murray- WI Coalition Against Sexual Assault
Rep. Gundrum
Randy- (Underheim's office)
Carol

Thanks,

Ginnie Shorter
Office of Senator Roessler
608-266-5300/888-736-8720
ginnie.shorter@legis.state.wi.us



Wisconsin Coalition Against Sexual Assault
600 Williamson Street, Suite N-2
Madison, WI 53703
(608) 257-1516

January 9, 2006

MEMO

TO: Senator Carol Roessler
Representative Mark Gundrum
Assembly Committee on Health Members

FROM: Mike Murray, Policy Specialist, Wisconsin Coalition Against Sexual Assault
608-257-1516
mikem@wcasa.org

RE: Senate Amendment 1 to SB 226

I am writing on behalf of the Wisconsin Coalition Against Sexual Assault, Inc. [WCASA] to express our organization's concerns about one section of Senate Bill 226. While WCASA has no official stance on SB 226, Senate Amendment 1 to SB 226 contains a provision that could potentially provide parents with far greater access to their child's mental health treatment records while the minor is in treatment. Current Wisconsin Law only allows parental access to such records at the discretion of the treating mental health professional¹. If a therapist withholds such records, the therapist must document the reasons for doing so² and the parent can appeal the decision to a state grievance examiner³. Parents do have access to the treatment records once treatment has been completed.

Senate Amendment 1 provides a parent with access to his or her child's records "unless the treatment director of the inpatient or outpatient facility determines that there is evidence that the minor has suffered abuse or neglect or that the treatment record indicates evidence of the potential for the minor to suffer abuse or neglect"⁴. This provision could prove to be problematic in cases involving sexual abuse of a child by a parent. Providing "evidence" of child sexual assault is usually quite difficult. Most cases of child sexual assault are very difficult to document and the vast majority of such cases are never reported to authorities. In addition, the offending parent almost always exerts an enormous amount of emotional and psychological control over the

¹ Wis. Stat. 51.30 (5)(b)(1)

² Wis. Admin. Code HFS 92.05 (b)(1) and (2);

³ Wis. Stat. Sec. 51.30 (8) and Wis. Admin. Code HFS 94.40 et seq.

⁴ Senate Amendment 1 to S. B. 226, Sec 17, line 19-21

child victim that would prevent the child from disclosing to anyone—let alone outside authorities. It concerns WCASA that the current language of this bill could potentially allow an offending parent access to a child victim's records while the child is still in treatment, which could undermine any amount of trust a therapist has been able to build with the child. This would be unfortunate, since the child's therapy sessions may be the only viable opportunity the child may have to disclose the abuse. In addition, if an offending parent discovers that a child has disclosed the abuse to a therapist by reviewing the child's records, the parent might punish the child with further abuse.

WCASA supports the removal of section 17 from Senate Amendment 1 to SB 226 so that current law regarding parental access to mental health records while the child is in treatment is retained.

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

2/1/06 Gundrum's aide, Randy (Kunderheim's aide), Jennifer Segall (Reessler's aide), Mike Murray, Dick Sweet, Amend to Bill, as shown by #5A1

① Mike's concern (see attached letter) - Parental access to records

Todo: Remove Item 17 in a 0986/2 + ^{restate} p. 21, l. 19 of bill

② Written inf. consent for admin of psychot med.

Todo: SEC 52 - Maybe req. writ, inf consent only when drug is first prescribed, but not for renewals of prescrip. or if dosage changes

(if ok w/ them; otherwise will go back to c. law.)

③ Abuse of system + overhospitalization possible for minors of parents who can consent, etc., w/o consent.



TELEPHONE DRAFTING INSTRUCTIONS

Drafting instructions received by Debora Kennedy.

DATE:

2/3/06

CONVERSATION
WITH:

Jennifer Segall

OF:

Ressler's Office

TELEPHONE NO:

6-5300

REGARDING LRB #
OR DRAFT TOPIC:

INSTRUCTIONS:

Draft Assem Amdt to SB 26
for Rep Underheim's Office:

- ✓ ① Restore parental access to treatment records to curr. law
- ② Restore provisions re admin of psychotrop meds to curr. law, including changing back def of "supt treatment" so that it no longer includes psychotrop meds.



(MONDAY)
State of Wisconsin
2005 - 2006 LEGISLATURE

LRBa2249/7 1

DAK: A....

jld

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~
ASSEMBLY AMENDMENT ,
TO 2005 SENATE BILL 226

- 1 At the locations indicated, amend the bill as follows: ✓
- 2 1. Page 2, line 1: delete "disability," and substitute "disability and". ✓
- 3 2. Page 2, line 2: delete ", and access to records". ✓
- 4 3. Page 11, line 4: delete lines ✓ 4 and 5 and substitute "refusal, or if a hearing ✓
- 5 has".
- 6 4. Page 11, line 9: delete that line and substitute "is sooner, and shall". ✓
- 7 5. Page 16, line 25: delete "or outpatient". ✓
- 8 6. Page 17, line 3: delete "or outpatient". ✓
- 9 7. Page 17, line 4: delete lines 4 to 10, as affected by ^{and} senate amendment 1 to
- 10 senate amendment 1 ~~and~~ ^{made} senate amendment 1, and substitute "mental illness". ✓
- 11 8. Page 17, line 12: delete "or outpatient". ✓

- 1 **9.** Page 18, line 4: ~~on lines 4 and 5 delete "psychotropic medications and" and~~
2 substitute "psychotropic medications and". *the material beginning with "psychotropic medications and" ending with "medications and" on line 5 and*
- 3 **10.** Page 18, line 13: delete "treatment for mental illness" and substitute
4 "mental health treatment". ✓
- 5 **11.** Page 18, line 15: after "outpatient" insert "mental health". ✓
- 6 **12.** Page 21, line 13: delete lines 13 to 21. ✓
- 7 **13.** Page 22, line 19: after ~~the~~ minor insert "if s. 51.135 (1) (b) does not apply". ✓
- 8 **14.** Page 26, line 24: delete lines 24 and 25 ✓ and substitute "disability,
9 alcoholism, or drug abuse, the written, informed consent of the minor's parent or
10 guardian is".
- 11 **15.** Page 27, line 1: delete "51.135 (2)". ✓
- 12 **16.** Page 27, line 2: after "(1)." insert "For the receipt of psychotropic
13 medication, s. 51.135 (1) (a) or (2) applies". ✓
- 14 **17.** Page 27, line 22: delete "Except as provided in subd. 5., for" and substitute
15 "For". ✓
- 16 **18.** Page 28, line 9: delete "or outpatient". ✓
- 17 **19.** Page 28, line 10: after "51.135" insert "(1) (b) or (2)". ✓
- 18 **20.** Page 29, line 13: delete "and 51.135" and substitute ", 51.135, and 51.35
19 (3) (a)". ✓
- 20 **21.** Page 29, line 15: delete "(intro.), 1. (intro.), 3. (intro.), and". ✓

(END)

AMENDMENT JACKET

DATE _____

02249
LRB NUMBER

ASSEMBLY AMENDMENT _____

to _____ **amendment** _____

to _____ **sub. amdt.** _____

TO _____ **BILL** _____

DO NOT WRITE IN THE SHADED AREA

Offered by Representative (s) _____

Offered by (Joint) Committee on _____

To introduce this amendment: submit this amendment jacket, signed by the amendment authors, and all attached copies to the office of the assembly chief clerk, or to a member of the chief clerk's staff at the front desk in the assembly chambers.



State of Wisconsin
2005 - 2006 LEGISLATURE

LRBa2249/1
DAK:jld:jf

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- 9 7. Page 17, line 4: delete lines 4 to 10, as affected by senate amendment 1 and
- 10 senate amendment 1 to senate amendment 1, and substitute "mental illness.".
- 11 8. Page 17, line 12: delete "or outpatient".

1 **9.** Page 18, line 4: delete the material beginning with “psychotropic” and
2 ending with ~~medications and~~” on line 5 and substitute “psychotropic medications
3 and”.

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5 “mental health treatment”.

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20 (3) (a)”.

21 **21.** Page 29, line 15: delete “(intro.), 1. (intro.), 3. (intro.), and”.

22 (END)